

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DENISE SCHMELTZER,)	CASE NO. 1:11CV1361
)	
PLAINTIFF,)	
)	JUDGE SARA LIOI
vs.)	
)	MEMORANDUM OPINION &
MICHAEL J. ASTRUE,)	ORDER
Commissioner of Social Security,)	
)	
DEFENDANT.)	
)	

Before the Court is the report and recommendation ("R & R") of the Magistrate Judge in the above-entitled action. (Doc. 16.) Under the relevant statute:

[...] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

In this case, the R & R was served electronically on June 26, 2012; and therefore, any objections to the report were due by July 10, 2012. No objections have been filed and the deadline has passed.

The failure to file written objections to a Magistrate Judge's R & R constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's R & R and **ADOPTS** the same. Accordingly, since substantial evidence supports the Commissioner's conclusion that plaintiff was not under disability since the alleged onset date and is capable of performing light work, the Commissioner's final decision denying disability insurance benefits and supplemental security income is **AFFIRMED** and this case is **DISMISSED**.

IT IS SO ORDERED.

Dated: July 13, 2012



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE